

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division**

In re:

HELEN S. MAKAROV

Debtor

**Case No. 13-50856
Chapter 7**

**MOTION BY TRUSTEE FOR AUTHORITY TO SELL PROPERTY OF THE
ESTATE PURSUANT 11 U.S.C. §363(b); AND NOTICE OF HEARING**

W. Stephen Scott, trustee of this case, by counsel, moves for an order authorizing the trustee to sell certain property of the estate pursuant to 11 U.S.C. §363(b) and alleges as follows:

1. On July 7, 2013, an order for relief under Chapter 7 of the Bankruptcy Code was entered in this case.
2. Movant is the duly appointed trustee in this case.
3. The estate has an interest in the following property which Movant requests authority to sell by private sale:
Helen S. Makarov's one-half (1/2) interest in Lot #2, Residue, containing 69.0759 acres, mol, Rappahannock County TMP# 14-24, known as 103 Stacey Court, Clarksville, VA 23927 (the "Property").
4. The real estate which is known as 103 Stacey Court, Clarksville, VA 23927 (the "Real Estate") is titled in Benjamin R. Jackson and Helen S. Makarov, each of whom hold a one-half ownership interest therein, as tenants in common with right of survivorship.
5. Benjamin R. Jackson, the co-owner of the Real Estate (the "Purchaser"), has offered to purchase the Property for the cash payment to Movant of \$51,600.00 and the withdrawal of his general unsecured Proof of Claim #1 filed in the instant case on July 22, 2013 in the amount of \$154,457.13 (collectively, the Offer), pursuant to the terms of an offer made through his attorney, Bill Shmidheiser of Lenhart Obenshain, by letter to Movant dated December 19, 2013. The Purchaser will receive no distribution from the bankruptcy estate.
6. The Debtor has not claimed a homestead exemption in the Property.
7. Upon information and belief, 2013 real estate taxes assessed in the amount of \$1,411.80 have been partially paid by the Purchaser but are unpaid in the amount of

approximately \$782.93 (including penalty and interest through January 31, 2014), which the Estate will pay from the cash proceeds realized from this sale, and the Purchaser shall be responsible for payment of 2014 real estate taxes assessed against the Real Estate. There appear to be no other liens on the Property.

8. The Debtor valued her one-half interest in the Real Estate in her Schedule A at \$103,500 based upon a local appraiser opining the value of the Real Estate to be between \$3,000 and \$4,000 per acre. Movant has obtained a valuation assessment from Mike Torrence of TRF Auctions of \$200,000 for the Real Estate. Mr. Torrence indicated that it is difficult to value the Real Estate because there are no good comparable values of property, since the Real Estate has large power line towers located on it. The Rappahannock County tax assessed value of the Real Estate is \$466,800.00.
9. The trustee believes the Purchaser's Offer for the Property is fair and reasonable in light of the apparent market value and condition of the Real Estate, and the uncertainty of a price that could be obtained if it were sold at public auction and the costs associated with such a sale.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in the bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the trustee's motion to sell the Property pursuant to §363 upon the terms set forth herein above, or if you want the court to consider your views on the motion, then on or before 7 DAYS BEFORE THE SCHEDULED HEARING, you or your attorney must:

1. File with the court a written response to the sale at:
Clerk, U. S. Bankruptcy Court
116 N. Main Street, Room 223
Harrisonburg, VA 22802
2. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.
3. You must also mail a copy to:

Office of the U. S. Trustee
First Campbell Square Building
210 First Street, Suite 505
Roanoke, VA 24011

W. Stephen Scott, Trustee
P. O. Box 2737
418 E. Water Street
Charlottesville, VA 22902

4. Attend the hearing scheduled to be held on Wednesday, February 19, 2014, at 10:00 A.M., at Federal Building, 116 N. Main Street, Courtroom, 3rd Floor, Harrisonburg, VA.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion, and may enter an order granting that relief.

WHEREFORE, the trustee requests the Court enter an order authorizing the trustee to sell the Property described herein to Benjamin R. Jackson, or his assigns, by Special Warranty Deed, in the manner and under the terms and conditions set forth herein. The trustee does not intend to file a brief in connection with this motion but reserves the right to file a responsive brief if necessary.

Dated this January 8, 2014.

W. STEPHEN SCOTT, TRUSTEE
By: Counsel

/s/ W. Stephen Scott

W. Stephen Scott, Esquire (VSB#14301)
Scott Kroner, PLC
P. O. Box 2737; 418 E. Water St.
Charlottesville, VA 22902
434-296-2161
Of Counsel to the Trustee

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion and Notice was mailed via U. S. Postal Service, first class, postage prepaid, this 8th day of January, 2014 to the Debtor, Attorney for Debtor(s), and to all creditors and parties in interest as set forth on the attached mailing matrix.

/s/ W. Stephen Scott

W. Stephen Scott

AGAPE EQUINE CLINIC
6323 Hopewell Road
The Plains, VA 20198

Alexis Y. Makarov
19 Hickerson Mountain Lane
Flint Hill, VA 22627

Aurora (Nationstar)
350 Highland Drive
Lewisville, TX 75067-4177

BB&T
202 Washington Street, West
Middleburg, VA 20118

BB AND T
PO BOX 1847
WILSON, NC 27894-1847

BB&T-VISA
PO Box 580048
Charlotte, NC 28258-0048

Benjamin R. Jackson
103 Stacey Court
Clarksville, VA 23927-3406

Benjamin R. Jackson
c/o William E. Shmidheiser, III, his cou
Lenhart Obenshain PC
P. O. Box 1287
Harrisonburg, VA 22803-1287

Greg Williams
309 Ben Venue Road
Flint Hill, VA 22627-1813

Nationstar Mortgage
P.O. Box 650783
Dallas, TX 75265-0783

O'Donnell & Associates
Box 1802
Washington, DC 20218-0001

Paul F. Makarov
1397 Butter Church Drive
Herndon, VA 20170-2053

Simeon Makarov
412727 Glenside Drive
Ashburn, VA 20148

U.S. Housing and Urban Dev.
451 7th Street, S.W.
Washington, DC 20410-0002

WHITE OAK VET CLINIC
279 Ben Venue Road
Flint Hill, VA 22627-1880

Walker & Jones, PC
31 Winchester Street
Warrenton, VA 20186-2825

William E. Shmidheiser, III
Lenhart Obenshain PC
PO Box 1287
Harrisonburg, VA 22803-1287

David Jared McClure
McClure & Bruggemann
602 South King St.
Suite 200
Leesburg, VA 20175-3919

Helen S. Makarov
10 Hickerson Mountain Road
Flint Hill, VA 22627

W. Joel Charboneau
Office of the United States Trustee
210 First Street
Suite 505
Roanoke, VA 24011-1620

BB&T
Bankruptcy Dept
PO Box 1847
Wilson, NC 27894-1847